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12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 OAKLAND DIVISION

17 UNITED STATES OF AMERICA,

18 No. CR-19-156-JST

19 Plaintiff,

20 STIPULATION REGARDING REQUEST FOR
21 (1) CONTINUANCE OF INITIAL
22 APPEARANCE IN DISTRICT COURT; AND
23 (2) FINDINGS OF EXCLUDABLE TIME
24 PERIOD

25 v.

26 ANTHONY GIOVANNI MONTANELLI,

27 Defendant.

1 Plaintiff United States of America, by and through its counsel of record, the United States
2 Attorney for the Northern District of California and Assistant United States Attorney Katie Burroughs
3 Medearis, and defendant Anthony Giovanna Montanelli (“Defendant”), by and through his counsel of
4 record, Seth Chazin, hereby stipulate as follows:

5 1. Defendant is out-of-custody and charged by Information with one count of conspiracy
6 to commit mail fraud, in violation of 18 U.S.C. § 1349. The Government alleges the Defendant
7 engaged in a scheme to divert ultrasound parts and systems from his former employer, Kaiser
8 Permanente (“Kaiser”). Defendant was arraigned on the charge in April of 2019. Defendant is
9 presently scheduled to make his initial district court appearance on May 10, 2019.

10 2. The parties engaged in significant discussions regarding this case prior to filing the
11 Information, which included consulting with the alleged victim. As a result, the parties have reached
12 an anticipated plea agreement. However, Defendant seeks to opportunity to review discovery in this
13 matter prior to moving forward with a change of plea and finalizing the language of the plea
14 agreement. Defense counsel requests at least four weeks to make an initial assessment of the
15 discovery described below and the Government agrees such time for review is reasonable.

16 3. The parties request a continuance of the scheduled appearance from May 10, 2019 to
17 June 14, 2019 based on the provision of the following discovery:

- 18 a. The Government recently produced approximately 12,000 pages of records.
- 19 b. The Government further intends to produce copies of imaged electronic devices
20 seized during its investigation. The Federal Bureau of Investigation is in the process of
21 imaging these electronic devices onto a large hard drive provided by defense counsel.
- 22 c. Lastly, the victim in this matter, Kaiser, will make available for inspection the
23 allegedly diverted medical equipment.

24 4. The parties agree that time should be excluded under the Speedy Trial Act between
25 May 10, 2019 and June 14, 2019 to allow reasonable time necessary for the effective preparation of
26 counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

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1 IT IS SO STIPULATED.

2 Dated: May 9, 2019

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4 DAVID L. ANDERSON
5 United States Attorney
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8
9 /s/
10 KATIE BURROUGHS MEDEARIS
11 Assistant United States Attorney
12 Attorneys for Plaintiff
13 UNITED STATES OF AMERICA
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/s/ *via email authorization*
10 SETH CHAZIN
11 Attorney for Defendant
12 ANTHONY MONTANELLI
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May 8, 2019
Date

[PROPOSED] ORDER

The Court has read and considered the Stipulation Regarding Request for (1) New Hearing Date and (2) Findings of Excludable Time, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a new date for a status conference and initial appearance before the Court and good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

THEREFORE, FOR GOOD CAUSE SHOWN:

The status conference in this matter set at 9:30 a.m. on May 10, 2019 is continued to 9:30 a.m. on June 14, 2019. Further, the time period of May 10, 2019 to June 14, 2019, inclusive, is excluded in computing time under the Speedy Trial Act to allow defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS SO ORDERED.

DATE: May 9, 2019


HONORABLE JON S. TIGAR
United States District Court Judge